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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,547	01/31/2002	Pieter J. van Zee	100110359-1	2726

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EXAMINER

JELINEK, BRIAN J

ART UNIT PAPER NUMBER

2622

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/061,547

Applicant(s)

VAN ZEE, PIETER J.

Examiner

Brian Jelinek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/12/2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3,5-12 and 15-18 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 12 and 15-18 is/are allowed.
6) ☒ Claim(s) 2,3,5,6 and 9-11 is/are rejected.
7) ☒ Claim(s) 7 and 8 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 31 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Amendment

The Examiner respectfully submits a response to the amendment received on 1/12/2006 of application no. 10/061,547 filed on 1/31/2002 in which claims 2-3, 5-12, and 15-18 are currently pending.

Arguments

The Applicant's arguments have been fully considered but they are not persuasive. Please refer to the following office action, which clearly sets forth the reasons for non-persuasiveness.

The Applicant argues:

the Eyemodule camera is an independent and separate apparatus that "Turn your Handspring Visor handheld into a digital camera" (Cover page, Eyemodule User Manual). Note that the first step on page 2 of the manual the Eyemodule is inserted into the expansion slot of the Springboard. Therefore, the optoelectric transducer is not disposed in a housing of the device, as required in claim 10, rather it is part of an additional, plug-in device with its own separate housing.

In response, arguing that the optoelectric transducer is not disposed in a housing of the device because the Eyemodule is inserted into the expansion slot of the Springboard, and is part of an additional, plug-in device with its own separate housing argues against the disclosure of the instant specification. In particular, the cited references disclose the claimed embodiments shown in Figs. 1A-1B, 2, and 4.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Eyemodule User Manual, the Visor Handheld User Guide (as evidence), and Fellegara et al. (U.S. Pat. No. 6,441,854).

Regarding claim 5, the Eyemodule User Manual discloses an image capturing device comprising: a housing (pg. 2, Handspring Visor with Eyemodule); a computing device disposed in said housing and adapted to perform, inter alia, operations directed by at least one application program unrelated to image capture (Handspring Address Book, inherent in Handspring Visor, see Visor Handheld User Guide as evidence, pgs. 50, and 110-113); an optoelectric transducer disposed in said housing, arranged to accept an optical input via a light transmissive opening through said housing, and to convert said optical input to an electrical signal (pg. 2, the Eyemodule is a digital camera); an image processor disposed within said housing and electrically coupled to said optoelectric transducer (A/D converter, implicit feature of the Eyemodule); a memory coupled to said image processor (the Visor Handheld stores captured images); and an integral interface connector coupled to said image processor and adapted to be

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coupled to an external computer without an intervening cable (pgs. 6-9, Beam icon beams image to another PalmOS device)

The Eyemodule User Manual does not disclose a user interface further comprising a first electromechanical activator adapted to accept both a user instruction to turn the image capturing device on and to save said electrical signal as a stored image representation. However, Fellegara discloses a camera wherein when the camera is in power-down mode, movement of the shutter button initiates camera power up (col. 11, lines 49-60). One of ordinary skill in the art would have initiated power up upon movement of the shutter button in a power-down mode in order to perform pre-exposure operations (col. 11, lines 49-60). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a user interface further comprising a first electromechanical activator (shutter button) adapted to accept both a user instruction to turn the image capturing device on and to save said electrical signal as a stored image representation (Fig. 3, shutter 24; col. 11, lines 51-60) in order to speed image capture by immediately performing pre-exposure operations from a powered down state upon activation of the shutter button.

Regarding claim 6, Fellegara shows the at least one electromechanical activator further comprises an electromechanical activator recessed below an external surface of said housing (Figs. 3-5).

Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Eyemodule User Manual, the Visor Handheld User Guide (as evidence), Fellegara et al. (U.S. Pat. No. 6,441,854), and Hashimoto et al. 6,344,875.

Regarding claim 2, the Eyemodule User Manual teaches said computing device coupled to said image processor, and including a microprocessor and a display (implicit in a Handspring Visor with Eyemodule); wherein said display, when switched from displaying computing device information, displays an image regenerated at least in part by said microprocessor from said electrical signal (pg. 6, view image).

Neither Eyemodule User Manual, Visor Handheld User Guide, nor Fellegara disclose the said electromechanical activator further enables acceptance of a user instruction to couple a second electrical signal representative of said stored image representation to said integral interface connector to save said electrical signal as a stored image representation in said external computer.

However, Hashimoto teaches a single switch, wherein the single switch provides an Off mode and further comprises multiple On modes consisting of Play, Transmit, Record, and Receive modes (Fig. 13A, switch 110; col. 10, lines 27-34). One of ordinary skill in the art would have provided a single switch comprising Off, Record, and Transmit modes in order to eliminate a separate switch for a transmission mode (col. 10, lines 19-26). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a first electromechanical activator adapted to accept both a user instruction to turn the image capturing device on and to save said electrical signal as a stored image representation (Record mode from Off

mode), and to further enable acceptance of a user instruction to couple a second electrical signal representative of said stored image representation to said integral interface connector to save said electrical signal as a stored image representation in said external computer, in order to simplify the user interface by eliminating unnecessary buttons.

Regarding claim 3, the Eyemodule User Manual further teaches the memory includes a computing device stored document and wherein said display further comprises a tactile input display adapted to accept a user input to associate said stored image representation with a stored document (pg. 7, tap stylus on note button and attach note to image).

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Eyemodule User Manual, in view of the Visor Handheld User Guide (as evidence), in view of Fellegara et al. (U.S. Pat. No. 6,441,854), and further in view of Dow et al. (EP 0 978 987).

Regarding claim 9, Fellegara discloses saving images to memory (Fig. 6, element 126). Fellegara does not disclose a third electromechanical activator adapted to accept a user instruction to delete said stored image representation. However, Dow discloses a third electromechanical activator adapted to accept a user instruction to delete said stored image representation (Fig. 1A, element 34). One of ordinary skill in the art would have provided a third electromechanical activator adapted to accept a user instruction to delete said stored image representation for the purpose of erasing

unnecessary images. As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a third electromechanical activator adapted to accept a user instruction to delete said stored image representation in order to increase the remaining image capacity of the non-volatile memory.

Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Eyemodule User Manual, in view of the Visor Handheld User Guide (as evidence), in view of Fellegara et al. (U.S. Pat. No. 6,441,854), and further in view of the Eyecontact Manual.

Regarding claim 10, the Eyemodule User Manual discloses a method of capturing and integrating an image in an integral and combined handheld computing and image capture device (pg. 2, Handspring Visor with Eyemodule) comprising the steps of: launching an application program from a memory in the device, said application program unrelated to image capture (Handspring Address Book, inherent in Handspring Visor, see Visor Handheld User Guide as evidence, pgs. 50, and 110-113); purposing an electromechanical activator to a shutter actuator function (Fig. 2, Capture Button); exposing an optoelectric transducer disposed in a housing of the device to light input via a light transmissive opening through said housing (pg. 2, the Eyemodule is a digital camera); and converting said light into an electrical signal (implicit); upon actuation of said electromechanical actuator, processing and storing said electrical signal as an image representation in said memory (the Visor Handheld stores captured images).

The Eyemodule User Manual does not disclose energizing the device with the activation of an electromechanical activator; repurposing said electromechanical activator from said energizing function to a shutter actuator function; and recalling said image representation for use in said launched application program.

However, Fellegura discloses a camera wherein when the camera is in power-down mode, movement of the shutter button initiates camera power up (col. 11, lines 49-60). One of ordinary skill in the art would have initiated power up upon movement of the shutter button in a power-down mode in order to perform pre-exposure operations (col. 11, lines 49-60). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have energized the device with the activation of an electromechanical activator; and repurposed said electromechanical activator from said energizing function to a shutter actuator function in order to speed image capture by immediately performing pre-exposure operations from a powered down state upon operation of the shutter button.

Furthermore, the Eyecontact Quick Guide discloses attaching eyemodule image to address book entries (pg. 1). One of ordinary skill in the art would have attached eyemodule image to address book entries in order to provide pictures of people listed in a user's Address Book (pg. 1). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have recalled said image representation for use in said launched application program in order to enable a user to better remember a personal contact by viewing their image along with their contact information.

Regarding claim 11, the Eyecontact Quick Guide teaches pasting at least a portion of said recalled image into a document of said launched application and recalling image representation for presentation on a display of the device (pg. 1).

Allowable Subject Matter

Claims 7-8, 12, and 15-18 are allowable or would be allowable if rewritten to overcome any and all objections.

Regarding claim 7, the reason for allowance is as follows: the prior art does not disclose or fairly suggest an image capturing device wherein said user interface further comprises a second electromechanical activator adapted to accept both a user instruction to review said stored image representation and to turn the image capturing device off.

Regarding claim 12, the reason for allowance is as follows: the prior art does not disclose or fairly suggest a method of capturing and integrating an image in an image capture device comprising the step of accepting a user instruction to said second electromechanical activator to turn the image capturing device off, in combination with all other claimed limitations.

Regarding claim 17, the reason for allowance is as follows: the prior art does not disclose or fairly suggest an image capture device comprising a user interface comprising a second electromechanical activator adapted to accept both a user instruction to review said stored image representation and to turn the image capturing device off, in combination with all other claimed limitations.

Regarding claim 8, 15-16, and 18, the reason for allowance is as follows: the claims depends from an allowable independent claim.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Jelinek whose telephone number is (571) 272-7366. The examiner can normally be reached on M-F 9:00 am - 5:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc-Yen Vu can be reached at (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian Jelinek
3/31/2006



TUAN HO
PRIMARY EXAMINER